

A meeting of the **REFERRALS (ASSESSMENT) SUB COMMITTEE** will be held in **ROOM D5, PATHFINDER HOUSE, ST. MARY'S STREET, HUNTINGDON, CAMBS, PE29 3TN** on **TUESDAY, 1 DECEMBER 2009** at **10:00 AM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

1. MINUTES

To approve as a correct record the Minutes of the meeting held on 3rd September and adjourned to 6th October 2009.

2. MEMBERS' INTERESTS

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please See Notes 1 and 2 below.

3. GUIDANCE TO ASSIST ASSESSMENT OF CASE

- ◆ Local Assessment Case Handling Chart; and
- ◆ Guidance received from the Standards Board for England on the conduct of an assessment.

4. EXCLUSION OF THE PRESS AND PUBLIC

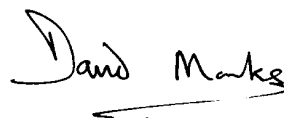
To resolve:-

that the public be excluded from the meeting because the business to be transacted contains exempt information under paragraph 7(c) relating to the deliberations of a Sub-Committee of the Standards Committee established under the provisions of Part 3 of the Local Government Act 2000.

5. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 24

Enclosed, pre-assessment report by the Monitoring Officer to which is attached various other correspondence/information to assist Members in assessing the case.

Dated this 23rd day of October 2011



Chief Executive

Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
 - (a) *the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;*
 - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
 - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
 - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

Please contact Ms C Deller, Democratic Services Manager, Tel No 01480 388007/e-mail: Christine.Deller@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Sub-Committee.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the REFERRALS (ASSESSMENT) SUB COMMITTEE held in the Corporate Training Suite, Eastfield House, Latham Road, Huntingdon, Cambs on Thursday, 3 September 2009.

PRESENT: Mr M Lynch – Chairman.
Councillor Mrs B E Boddington, and
Mr G Watkins.

85. MINUTES

The Minutes of the meeting of the Sub-Committee held on 18th August 2009 were approved as a correct record and signed by the Chairman.

Further to Minute No. 82, the Monitoring Officer reported that Councillor S Codling, Little Paxton Parish Council had indicated that he would apologise, as requested by the Sub-Committee, to the complainant involved in Case No. 18.

86. MEMBERS' INTERESTS

Councillor Mrs B E Boddington declared a personal interest in Minute No. 89 post having attended the meeting of the Development Management Panel at which the incident subject to the complaint had allegedly occurred.

Mr G Watkins declared a personal interest in Minute No. 89 post by virtue of a casual acquaintance with Councillor C Thorne.

87. GUIDANCE TO ASSIST ASSESSMENT OF CASE

The guidance produced by Standards for England and collated by the Monitoring Officer to assist the Sub-Committee in their assessment of the case submitted was received and noted.

88. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

that the public be excluded from the meeting because the business to be transacted contains exempt information under paragraph 7 (c) relating to the deliberations of a Sub-Committee of the Standards Committee established under the provisions of Part 3 of the Local Government Act 2000.

89. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 20

Members considered the following documents collated by the Monitoring Officer (a copy of which are appended in the Minute Book) to assist the Sub-Committee in their deliberations in respect of a

complaint against a Councillor serving on Yaxley Parish Council:-

- (a) copy of complaint form submitted by Mr C Bolton; and
- (b) declaration of financial and other interests - Councillor C Thorne.

90. INITIAL ASSESSMENT - CASE NO. 20

The Sub-Committee considered the allegation made against Councillor C Thorne of Yaxley Parish Council but on the basis of the evidence before them, found it difficult to reach any conclusion on the case. To enable the Sub-Committee to form a view, Members requested that the complainant provide further information to substantiate his allegation or a statement from another person able to corroborate the exchange between himself and Councillor Thorne. Whereupon, it was

RESOLVED

that the meeting be adjourned until 6th October 2009 to allow the Sub-Committee to assess the complaint in the light of any additional evidence submitted.

91. ON RESUMPTION

At a meeting of the Referrals (Assessment) Sub-Committee held in Room D6, Third Floor, Pathfinder House, St. Mary's Street, Huntingdon on Tuesday 6th October 2009.

PRESENT: Mr M Lynch - Chairman
Councillor Mrs B E Boddington and Mr G Watkins.

92. INITIAL ASSESSMENT - CASE NO. 20 (CONTINUED)

Following the meeting held on 3rd September 2009, the Monitoring Officer had requested the complainant in the case to substantiate his allegation or to produce a statement from another person able to corroborate the exchange between himself and Councillor C Thorne. As a consequence, the following evidence had been submitted:-

- ◆ further correspondence received from the complainant - Mr C Bolton; and
- ◆ email received from Mr A Bartle.

In the light of this further material and having consulted the Monitoring Officer for advice during their deliberations, the Sub-Committee

RESOLVED

- (a) that the allegation made against Councillor C Thorne, that he failed to comply with paragraph 3 (1) of Yaxley Parish Council's Code of Conduct in relation to "failing to treat others with respect" be referred to the Monitoring Officer for investigation, having regard to the conduct expected of an elected Member and given the opportunity an investigation would present to

Councillor Thorne to give his version of events and to clarify any remarks which may have been made; and

- (b) that the allegation made against Councillor C Thorne that he failed to comply with paragraph 3 (2) (b) of Yaxley Parish Council's Code of Conduct in relation to bullying another person be not referred for investigation and that no further action be taken in the case for the reasons set out in the "Decision Notice: No Further Action" appended to these Minutes.

93. MEMBERS' INTERESTS

Mr M Lynch declared a personal interest in Minute No. 99 by virtue of a casual acquaintance with Councillor C Saunderson.

94. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

that the public be excluded from the meeting because the business to be transacted contains exempt information under paragraph 7 (c) relating to the deliberations of a Sub-Committee of the Standards Committee established under the provisions of Part 3 of the Local Government Act 2000.

95. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE 21

With the assistance of the following documents collated by the Monitoring Officer (copies of which are appended in the Minute Book) the Sub-Committee considered a complaint against a Councillor serving on Yaxley Parish Council:-

- (a) copy of complaint form submitted by Mr G Mold;
- (b) copy of email attachment received from Mr A Bartle in support of Mr Mold's complaint;
- (c) copy of email to and from Parish Clerk, Yaxley Parish Council;
- (d) copy of Minutes of Yaxley Parish Council dated 14th July 2009;
- (e) registration of interests form - Councillor D P Stafford.

96. INITIAL ASSESSMENT - CASE NO. 21

The Sub-Committee considered the allegation made in the case against Councillor D P Stafford of Yaxley Parish Council seeking the advice of the Monitoring Officer as necessary.

On the basis of the evidence before them, the Sub-Committee

RESOLVED

that the allegation made against Councillor D P Stafford that he had failed to comply with paragraphs 9, 10 (1), 10 (2) and 12 of Yaxley Parish Council's Code of Conduct be referred

to the Monitoring Officer for investigation for the reasons set out in the "Decision Notice : Referral for Investigation" appended to these Minutes.

97. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 22

With the assistance of the following documents collated by the Monitoring Officer (copies of which are appended in the Minute Book) the Sub-Committee considered a complaint against a Councillor serving on Earith Parish Council:-

- (a) original letter of complaint dated 10th September 2009;
- (b) email from the Parish Chairman, Earith Parish Council;
- (c) Minutes of the meeting of the Earith Parish Council dated 2nd July 2009; and
- (d) registration of interests - Councillor R J Hodge.

98. INITIAL ASSESSMENT - CASE NO. 22

The Sub-Committee considered the allegations made in the case against Councillor R J Hodge of Earith Parish Council seeking the advice of the Monitoring Officer as necessary. On the basis of the evidence before them, the Sub-Committee

RESOLVED

that the allegations made against Councillor R J Hodge that he had failed to comply with paragraph 3 (1) of Earith Parish Council's Code of Conduct be not referred for investigation and that no further action be taken in the case for the reasons set out in the "Decision Notice: No Further Action" appended to these Minutes.

The Chairman agreed to admit the following item to the Agenda in accordance with Section 100 B (4) of the Local Government (Access to Information) Act 1985 given Standards for England advice to assess cases submitted within 20 working days of their receipt.

99. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 23

Having regard to the following documents collated by the Monitoring Officer (copies of which are appended in the Minute Book) the Sub-Committee considered a complaint against a Councillor serving on St. Ives Town Council:-

- (a) copy of complaint form submitted by Mrs A Dickinson;
- (b) covering letter from Mrs Dickinson;
- (c) statement from Councillor R Fuller;
- (d) statement from Mrs A Dickinson; and
- (e) declaration of financial and other interests - Councillor C Saunderson.

100. INITIAL ASSESSMENT - CASE NO. 23

Having considered the allegation made in the case against Councillor

C Saunderson of St. Ives Town Council seeking the advice of the Monitoring Officer as necessary and on the basis of the evidence before them, the Sub-Committee

RESOLVED

that Councillor C Saunderson be offered the opportunity to apologise to the complainant but in the event that an apology is not forthcoming the allegation made against Councillor C Saunderson that he had failed to comply with paragraph 3 (1) of St. Ives Town Council's Code of Conduct be referred to the Monitoring Officer for investigation for the reasons set out in the "Decision Notice-Referral for Investigation" appended to these Minutes.

101. REFERRAL OF MATTERS TO MONITORING OFFICER FOR STEPS OTHER THAN INVESTIGATION - UPDATE ON CASES

Following recent decisions of the Referrals (Assessment) Sub-Committee and in accordance with paragraph 13(4)(c)(i) of the Standards Committee (England) Regulations 2008, the Monitoring Officer reported that -

- ◆ in respect of Case Nos. 13 and 15 - training on the Code of Conduct had been presented to Godmanchester Town Council on 10th September 2009 and the Member subject to the original complaint (Councillor G M Wilson) had been present in addition to 13 other Members of the Town Council; the Monitoring Officer had ensured that the training session also had covered the "Code of Recommended Publicity";
- ◆ in respect of Case No. 18 - Councillor F Owens had presented a written apology, the wording of which was agreed in advance with the Monitoring Officer, to Little Paxton Parish Council on 3rd September 2009. Councillor Owen also had given his assurance that such breaches would not recur; and
- ◆ in respect of Case No. 19 - Councillor S Codling had presented a written apology, the wording of which was agreed in advance with the Monitoring Officer, to Councillor F Owens and this had been accepted by the Member concerned.

Having expressed their satisfaction with the action taken by the Monitoring Officer in the cases described, the Committee

RESOLVED

that it be confirmed that the Monitoring Officer had dealt with the aforementioned matters in accordance with the directions received.

Chairman

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 20 (ii)

The Referrals (Assessment) Sub-Committee appointed by Huntingdonshire District Council resolved to exclude the public from the Sub-Committee's proceedings under paragraph 7(c) of Schedule 12A to the Local Government Act 1972 and paragraph 8(b) of the Standards Committee (England) Regulations 2008. In these circumstances, parties associated with the complaint are requested to exercise caution when discussing or passing on information that is in the notice or about the notice.

Complaint

On 3rd September and 6th October 2009, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs M Lynch and G Watkins and Councillor Mrs B E Boddington considered a complaint concerning the conduct of Councillor C Thorne, a Member of Yaxley Parish Council. A summary of the complaint is set out below.

The complaint alleged that Councillor Thorne had breached paragraph 3 (2) (b) of the Parish Council's Code of Conduct which states that –

“You must not bully any person”.

The complaint was submitted in response to the complainant's concerns over the alleged comments made by Councillor Thorne during a meeting of the District Council's Development Management Panel on 20th July 2009 at which an application submitted by Yaxley Parish Council had been determined.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referrals (Assessment) Sub-Committee of the Standards Committee decided that no further action should be taken in respect of the allegation as no breach of the Code of Conduct was disclosed.

Reasons for Decision

The Sub-Committee did not consider that the comments made by Councillor Thorne to the complainant constituted bullying behaviour having regard to advice contained within 'The Code of Conduct Guide For Members May 2007' published by the Standards Board For England.

This Decision Notice is sent to the person making the allegation, the Member against whom the allegation is made and to the Clerk of Yaxley Parish Council.

Right of Review

At the written request of the complainant, the authority can review and change a decision not refer an allegation for investigation or other action. A different sub-committee to that involved in the original decision will undertake the review.

We must receive the complainant's written request within 30 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.

If we receive a request for a review, we will deal with it within a maximum of three months of receipt.

Terms of Reference

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that Members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of local authority Members and the requirements for dealing with this.

The Regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by Members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

Signed: **Date:**
Mr M Lynch
Chairman of Sub-Committee

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DECISION NOTICE: REFERRAL FOR INVESTIGATION

Reference: Case No. 20 (i)

The Referrals (Assessment) Sub-Committee appointed by Huntingdonshire District Council resolved to exclude the public from the Sub-Committee's proceedings under paragraph 7(c) of Schedule 12A to the Local Government Act 1972 and paragraph 8(b) of the Standards Committee (England) Regulations 2008. In these circumstances, all parties associated with the complaint are requested to exercise caution when discussing or passing on information that is in the notice or about the notice.

Complaint

On 3rd September and 6th October 2009, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs M Lynch (Chairman) and G Watkins and Councillor Mrs B E Boddington considered a complaint from Mr C Bolton concerning the alleged conduct of Councillor C Thorne, a Member of Yaxley Parish Council. A summary of the complaint is set out below.

The complaint alleged that Councillor Thorne had breached paragraph 3 (1) of the Parish Council's Code of Conduct which states that –

"You must treat others with respect;"

The complaint was submitted in response to the complainant's concerns over the alleged comments made by Councillor Thorne during a meeting of the District Council's Development Management Panel on 20th July 2009 at which an application submitted by Yaxley Parish Council had been determined.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referrals (Assessment) Sub-Committee of the Standards Committee decided to refer the matter to the Monitoring Officer for investigation.

Potential Breaches of the Code of Conduct Identified

The Sub-Committee has identified below the paragraphs of the Code of Conduct which may apply to the alleged conduct. The investigator will determine which paragraphs are relevant during the course of the investigation –

- ◆ failing to treat others with respect (paragraph 3 [1]).

This Decision Notice is sent to the person or person(s) making the allegation, the Member against whom the allegation is made and to the Clerk of Yaxley Parish Council.

The Sub-Committee referred the complaint to the Monitoring Officer for investigation, having regard to the conduct expected of an elected Member and given the opportunity an investigation would present to Councillor Thorne to give his version of events and to clarify any remarks which may have been made.

What happens now?

The Monitoring Officer will appoint an Investigating Officer to investigate the allegation of misconduct. Investigations are undertaken and a report completed within six months of the original complaint being assessed by the Referrals (Assessment) Sub-Committee.

Further information on the investigation process is available on the website of the Standards Board for England at www.Standardsboard.gov.uk

Terms of Reference

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that Members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of local authority Members and the requirements for dealing with this.

The local regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by Members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

Signed: **Date:**
Mr M Lynch
Chairman of Sub-Committee

DECISION NOTICE: REFERRAL FOR INVESTIGATION

Reference: Case No. 21

The Referrals (Assessment) Sub-Committee appointed by Huntingdonshire District Council resolved to exclude the public from the Sub-Committee's proceedings under paragraph 7(c) of Schedule 12A to the Local Government Act 1972 and paragraph 8(b) of the Standards Committee (England) Regulations 2008. In these circumstances, all parties associated with the complaint are requested to exercise caution when discussing or passing on information that is in the notice or about the notice.

Complaint

On 6th October 2009, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs M Lynch (Chairman) and G Watkins and Councillor Mrs B E Boddington considered a complaint from Mr G Mold concerning the alleged conduct of Councillor D P Stafford, a Member of Yaxley Parish Council. A summary of the complaint is set out below.

The complaint alleged that Councillor D P Stafford had breached paragraphs 9, 10(1), 10(2) and 12 of the Parish Council's Code of Conduct which states that –

- “9. where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent;
- 10(1) where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest;
- 10(2) you have a prejudicial interest in any business of your authority where that business affects your financial position or the financial position of a person or body described in paragraph 8 (includes a member of your family or any person with whom you have a close association);
- 12. where you have a prejudicial interest in any business of your authority – you must withdraw from the room or chamber where a meeting considering the business is being held.”

The complaint was submitted in response to the complainant's concerns over the alleged failure of Councillor Stafford to declare a personal and prejudicial interest in a contract submitted by D P Stafford Landscaping which had been accepted for landscaping works by Yaxley Parish Council at a meeting held on 14th July 2009. Councillor Stafford also failed to leave the room where the meeting considering the business was being held.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referrals (Assessment) Sub-Committee of the Standards Committee decided to refer the matter to the Monitoring Officer for investigation.

Potential Breaches of the Code of Conduct Identified

The Sub-Committee has identified below the paragraphs of the Code of Conduct which may apply to the alleged conduct. The investigator will determine which paragraphs are relevant during the course of the investigation –

- ◆ failing to declare a personal or prejudicial interest (paragraphs 9, 10[1] and 10[2]); and
- ◆ having a prejudicial interest and failing to act appropriately (paragraph 12).

This Decision Notice is sent to the person or person(s) making the allegation, the Member against whom the allegation is made and to the Clerk of Yaxley Parish Council.

From the evidence submitted, it appeared to the Sub-Committee that Councillor Stafford may have a personal and prejudicial interest which he failed to declare. In addition, the Minutes of the meeting of Yaxley Parish Council held on 14th July 2009 had not recorded any declaration of interests from Councillor Stafford nor that he had left the room or chamber during the award of a contract to D P Stafford Landscaping; a business which it was believed was operated by Councillor Stafford's son. In these circumstances, the Sub-Committee considered that the complaint should be referred to the Monitoring Officer for investigation.

What happens now?

The Monitoring Officer will appoint an Investigating Officer to investigate the allegation of misconduct. Investigations are undertaken and a report completed within six months of the original complaint being assessed by the Referrals (Assessment) Sub-Committee.

Further information on the investigation process is available on the website of the Standards Board for England at www.Standardsboard.gov.uk

Terms of Reference

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that Members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of local authority Members and the requirements for dealing with this.

The local regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by Members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

Signed: **Date:**

Mr M Lynch
Chairman of Sub-Committee

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 22

The Referrals (Assessment) Sub-Committee appointed by Huntingdonshire District Council resolved to exclude the public from the Sub-Committee's proceedings under paragraph 7(c) of Schedule 12A to the Local Government Act 1972 and paragraph 8(b) of the Standards Committee (England) Regulations 2008. In these circumstances, parties associated with the complaint are requested to exercise caution when discussing or passing on information that is in the notice or about the notice.

Complaint

On 6th October 2009, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs M Lynch (Chairman) and G Watkins and Councillor Mrs B E Boddington considered a complaint from Mr S J Wright concerning the alleged conduct of Councillor R J Hodge, a Member of Earith Parish Council. A summary of the complaint is set out below.

The complaint alleged that Councillor R J Hodge had breached paragraph 3 (1) of the Parish Council's Code of Conduct which states that –

“You must treat others with respect.”

The complaint arose at a meeting of Earith Parish Council held on 2nd July 2009 during which the complainant addressed the Council as a member of the public under Item No. 4 – Open Forum. It was alleged that Councillor Hodge had been disrespectful to Mr Wright and used offensive language – “what a load of crap” in commenting on his presentation to the Open Forum.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referrals (Assessment) Sub-Committee of the Standards Committee decided that no further action should be taken in respect of the allegation as no breach of the Code of Conduct was disclosed.

Reasons for Decision

In reaching their conclusion, the Sub-Committee was of the view that whilst they would not condone the language used by Councillor Wright and would have expected a higher standard of behaviour from an elected representative, the language used was not directed towards Mr Wright as an individual, but was a strong expression of disagreement with a statement of opinion expressed as part of the democratic process, within which it is essential to maintain a freedom to disagree with the views and opinions of others.

This Decision Notice is sent to the person or person making the allegation, the Member against whom the allegations were made and to the Clerk of Earith Parish Council.

Right of Review

At the written request of the complainant, the authority can review and change a decision not refer an allegation for investigation or other action. A different sub-committee to that involved in the original decision will undertake the review.

We must receive the complainant’s written request within 30 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.

If we receive a request for a review, we will deal with it within a maximum of three months of receipt.

Terms of Reference

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that Members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of local authority Members and the requirements for dealing with this.

The Regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by Members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

Signed: **Date:**
Mr M Lynch
Chairman of Sub-Committee

DECISION NOTICE: REFERRAL FOR INVESTIGATION

Reference: Case No. 23

The Referrals (Assessment) Sub-Committee appointed by Huntingdonshire District Council resolved to exclude the public from the Sub-Committee's proceedings under paragraph 7(c) of Schedule 12A to the Local Government Act 1972 and paragraph 8(b) of the Standards Committee (England) Regulations 2008. In these circumstances, all parties associated with the complaint are requested to exercise caution when discussing or passing on information that is in the notice or about the notice.

Complaint

On 6th October 2009, the Referrals (Assessment) Sub-Committee of this authority comprising Mr M Lynch (Chairman), Mr G Watkins and Councillor Mrs B E Boddington considered a complaint from Mrs A Dickinson concerning the alleged conduct of Cllr C Saunderson a Member of St Ives Town Council. We have set out a general summary of the complaint below:

The complaint alleged that Councillor Saunderson had breached paragraph 3(1) of St Ives Town Council's Code of Conduct which states that –

“you must treat others with respect”.

The complainant had suggested that Councillor Saunderson had referred to her in a derogatory manner using inappropriate language following a meeting of St Ives Town Council on 7th September 2009.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referrals (Assessment) Sub-Committee of the Standards Committee decided to refer the matter to the Monitoring Officer for investigation.

Potential breaches of the Code of Conduct identified

The Sub-Committee has identified below the paragraphs of the Code of Conduct which may apply to the alleged conduct. The investigator will determine which paragraphs are relevant during the course of the investigation –

- ◆ failing to treat others with respect (paragraph 3[1]).

This Decision Notice is sent to the person or person(s) making the allegation, the Members against whom the allegations were made and to the Clerk of St Ives Town Council.

Given the evidence submitted, the Sub-Committee considered that Councillor Saunderson was acting in his official capacity when he allegedly used derogatory and inappropriate language to describe the complainant in a public place and in the presence of four colleague Councillors and the Deputy Town Clerk. The Sub-Committee considered that the language allegedly used could amount to unacceptable and discourteous behaviour towards the

complainant and failure to treat Mrs Dickinson with respect. Given the conduct expected of an elected representative, the Sub-Committee agreed to offer Councillor Saunderson the opportunity to apologise to Mrs Dickinson for failing to comply with the Town Council's Code of Conduct with the form and wording of the apology to be agreed in advance with the District Council's Monitoring Officer. As this apology has not been forthcoming, the Sub-Committee authorised the Monitoring Officer to pursue the allegation through to an investigation.

What happens now?

The Monitoring Officer will appoint an Investigating Officer to investigate the allegation of misconduct. Investigations are undertaken and a report completed within six months of the original complaint being assessed by the Referrals (Assessment) Sub-Committee.

Further information on the investigation process is available on the website of the Standards Board for England at www.Standardsboard.gov.uk

Terms of Reference

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that Members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of local authority Members and the requirements for dealing with this.

The Regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by Members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

Signed: **Date:**
Mr M Lynch
Chairman of Sub-Committee

GUIDANCE TO ASSIST ASSESSMENT OF CASE

EARLY GUIDANCE RECEIVED FROM THE STANDARDS BOARD ON THE CONDUCT OF AN ASSESSMENT

Which complaints will we refer for investigation?

We decide that a matter should be investigated when we believe that it meets one of the following criteria:-

- It is serious enough, if proven, to justify the range of sanctions available to the Adjudication Panel for England or local Standards Committees;
- It is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority and there is no other avenue left to deal with it, short of investigation;
- In considering this, we will take into account the time that has passed since the alleged conduct has occurred.

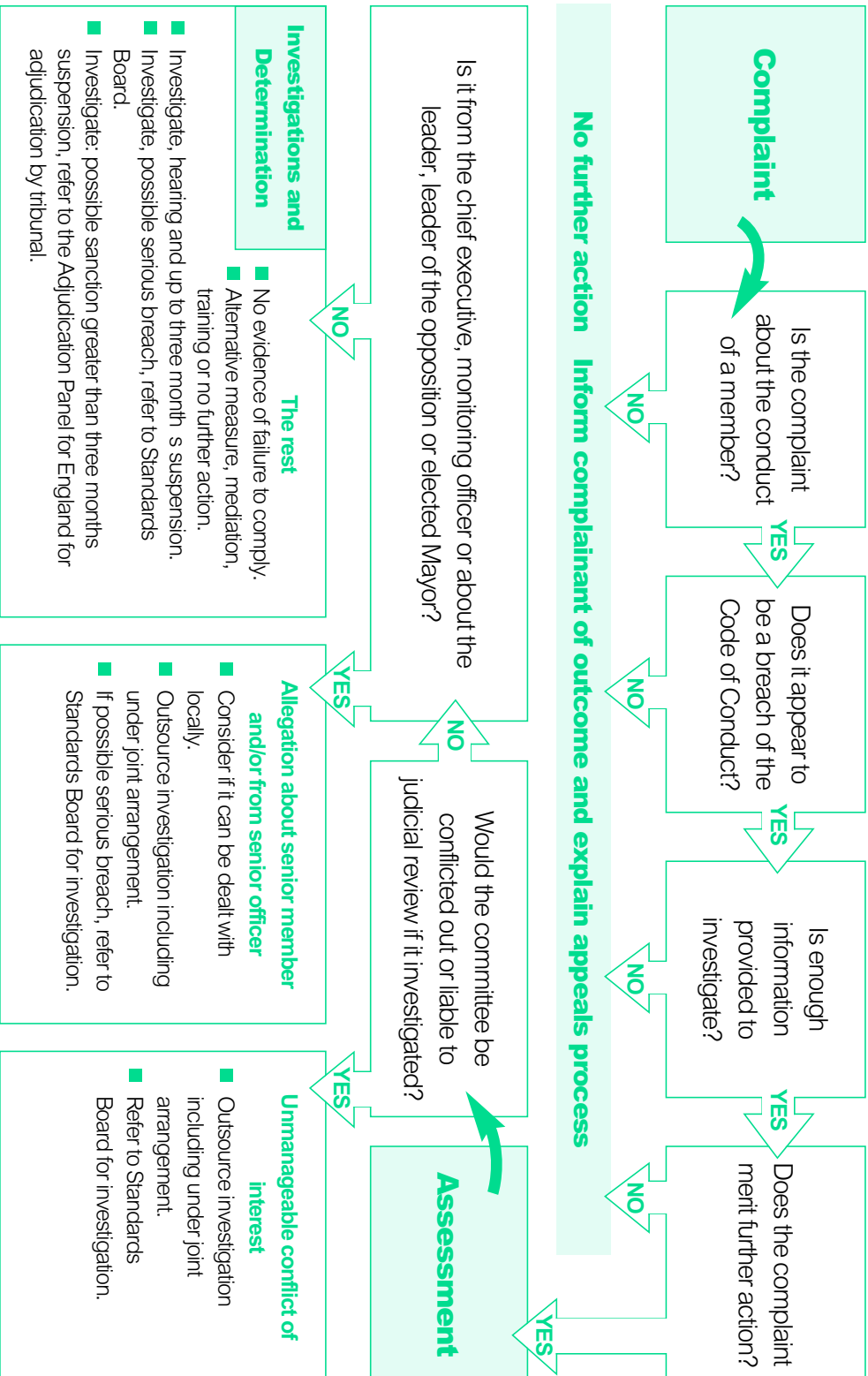
Which complaints are we unlikely to refer for investigation?

We are unlikely to decide that a complaint should be investigated if it falls into any of the following categories:-

- We believe it to be malicious, relatively minor or tit-for-tat;
- The same, or substantially similar, complaint has already been the subject of an investigation or enquiry and there is nothing further to be gained by seeking the sanctions available to the Adjudication Panel or the local Standards Committee;
- The complaint concerns acts carried out in the Members' private life when they are not carrying out the work of the Authority or have not misused their position as a Member;
- It appears that the complaint is really about dissatisfaction with a Council decision;
- There is not enough information currently available to justify a decision to refer the matter for investigation.

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Local assessment complaint handling chart



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Agenda Item 5

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